DOCKET NO.: 244925US8/kk

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: GROUP: 2471

Takatoshi OKAGAWA, et al.

SERIAL NO: 10/700,513   EXAMINER: ADHAMI, M. S.

FILED: November 5, 2003

FOR: COMMUNICATION CONTROL SYSTEM, COMMUNICATION CONTROL
             METHOD, ROUTING CONTROLLER AND ROUTER SUITABLY USED
             FOR THE SAME

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

    Applicant requests review of the final rejection in the above-identified application. No
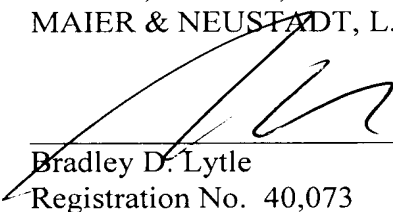amendments are being filed with this request.

    This request is being filed with a Notice of Appeal.

    The review is requested for the reason(s) stated on the attached sheet(s). No more than
five (5) pages are provided.

    I am the attorney or agent of record.

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Respectfully Submitted,

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF   :

TAKATOSHI OKAGAWA, ET AL.   : EXAMINER: ADHAMI, M.S.

SERIAL NO: 10/700,513   :

FILED: NOVEMBER 5, 2003   : GROUP ART UNIT: 2471

FOR: COMMUNICATION CONTROL   :
SYSTEM, COMMUNICATION CONTROL
METHOD, ROUTING CONTROLLER
AND ROUTER SUITABLY USED FOR
THE SAME

REMARKS ACCOMPANYING PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In the Final Office Action of June 23, 2011, (herein, the "FOA"), pending Claim 8 is

rejected under 35 U.S.C. § 112, second paragraph, and Claims 8, 14 and 16 are rejected under

35 U.S.C. § 103(a) as unpatentable over Tirosh et al. (U.S. 2003/0141093, herein "Tirosh") in

view of Kimchi et al. (U.S. 2002/0120760, herein "Kimchi").

The Final Office Action errs in rejecting Claim 8 under 35 U.S.C. § 112, second

paragraph. First, it is asserted that there is insufficient antecedent basis for the limitation "the

address conversion information acquired from the first router" on what are lines 20-21 of

Claim 8 in the amendment of March 18, 2011. Lines 12-13 of Claim 8 recite that the routing

controller includes an address information provision requester "configured to request

provision of address conversion information to the first router," which is antecedent basis.

The response to the arguments states that "there is no prior recitation of address conversion information being acquired from the first router." FOA at 9. This is a new rationale. Claim 8 recites that the routing controller is configured to take action "based on the address conversion information acquired from the first router"; it is not necessary to recite a method step of actually receiving the information. The response to the arguments also states that "it appears the limitation 'configured to request provision of address conversion information to the first router' refers to requesting an address conversion to a first router, as opposed to a request being sent to a first router." FOA at 9. To the extent the Examiner is questioning something other than lack of antecedent basis for "address conversion information," this is a new ground of rejection and should be so labeled. Nevertheless, Appellants submit that the limitation requires that the routing controller requests the first router to provide address conversion information, which necessarily requires sending the request to the first router, which is confirmed by the later limitation that address conversion information is acquired from the first router. Claim 8 is not indefinite for these reasons.

Second, the rejection notes that Claim 8 recites the routing controller is configured to "request the second router to delete the first address conversion information" and the second router is configured to "request the routing controller to permit deletion of the first address conversion information . . . [and] to delete the first address conversion information upon receiving the deleting permission from the routing controller." The rejection asks why both are necessary. As discussed in the Specification with respect to Figure 5D, the second router may take the initiative to delete the address conversion information based on a different trigger, such as the expiration of a predetermined time interval. Thus, the system of Claim 8 provides for requesting deletion by both the routing controller and the second router.

Accordingly, Applicant respectfully requests that the outstanding rejections under 35 U.S.C. § 112, second paragraph, are in error and should be withdrawn.

The Final Office Action errs in rejecting Claims 8, 14, and 16 under 35 U.S.C.

§ 103(a) as unpatentable over Tirosh and Kimchi. The invention is briefly described to

facilitate understanding the arguments. A routing controller 30 (Figs. 1 and 3) is configured

to switch a routing path between routers as shown in Fig. 1, where router 10A is common to

both paths and router 10F is along the new path. In response to reception of a trigger (S100

in Figs. 1 and 5A), routing controller 30 sends an IP assignment request A (step S101 in

Figs. 1 and 5A) to router 10F; router 10F transmits an IP address assignment notification B

(step S103 in Figs. 1 and 5A) back to the routing controller; the routing controller 30 sends a

request to create a cache entry C (step S104 in Figs. 1 and 5A) for IP address conversion (an

entry for converting an IP address input to an IP address output) to routers 10A and 10F; the

routing controller 30 sends a conversion change request D (S111 in Fig. 5B) to router 10A to

change the cache entry; the routing controller 30 may send a deletion request E (S121 in

Fig. 5C) to router 10A to delete its cache entry or the router 10A may take the initiative in

deleting its cache entry by sending a deletion permission request F (S131 in Fig. 5D) to the

controller after which the controller may transmit a permission response (S132 in Fig. 5D).

Claim 14 recites a routing controller that is configured to perform the functions of

A, C in response to B, D, and E, as just described. That is, Claim 14 is a routing controller

for switching a routing path. To simply the arguments for this pre-Appeal Brief Request for

Review, Appellants focus on the following limitations of the routing controller in Claim 14:

> an address information provision requester configured to request
> provision of address conversion information to the first router [S101 in
> Fig. 5A] in accordance with reception of the trigger [step S101 in Fig. 5A];

> an address conversion information creation requester configured to
> request creation of first address conversion information [S104 to router 10F in
> Fig. 5A], which associates a destination address of received data with an IP
> address of the first router, for converting data destined for a destination
> terminal to data destined for the first router, and to request creation of second
> address conversion information [S104 to router 10A in Fig. 5A] for converting
> data destined for the first router to data destined for the destination terminal,

based on the address conversion information acquired from the first router
[S103 in Fig. 5A] . . . .

These limitations are contained in Claim 8 and corresponding method limitations are

in Claim 16. Thus, these common limitations are dispositive of patentability.

The rejection relies on Tirosh for the above limitations. Tirosh describes that a media

stream can be routed using dynamic routers based on network traffic conditions and service

level information. The rejection finds that the QoS management system 400 corresponds to

the routing controller. FOA at 3. The rejection finds that the soft-switch 300 in paragraph

[0021] instructs dynamic routers where to route data traffic, the dynamic router of paragraph

[0026] may force the packet to be forwarded to the next-hop dynamic router by placing on

the packet the IP address of the next-hop dynamic router, and a path is opened by associating

the path with a unique label which is advertised to all dynamic routers on the path. FOA

at 4-5. This reasoning is repeated for the creation of first address conversion information,

FOA at 5, and for creation of second address conversion information, FOA at 5-6.

The description of Tirosh does not meet the claim limitations. Neither the QoS

management system 400 nor the soft-switch 300 are "configured to request provision of

address conversion information to the first router" because they simply do not request a first

router to provide "address conversion information" to the routing controller, much less "in

accordance with reception of the trigger." The rejection does not identify where Tirosh

teaches a routing controller configured to request provision of address conversion

information from a first router. The rejection does not point to where a routing controller

receives address conversion information from the first router as required by the limitation

"address conversion information acquired from the first router." Neither the QoS

management system 400 nor the soft-switch 300 are "configured to request creation of first

address conversion information . . . and to request creation of second address conversion

information . . . based on the address conversion information acquired from the first router."
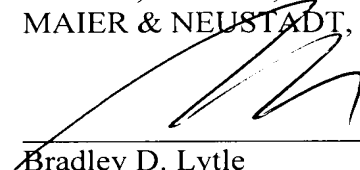
The routing controller coordinates actions in first and second routers as shown in Figure 5A. The error in the rejection is apparent because it does not point out the first router and the second router and how a routing controller in <u>Tirosh</u> is configured to perform the claimed functions. In the panel conference, Appellants request that the panel ask the Examiner to map the claim limitations onto <u>Tirosh</u> by: (1) identifying a routing controller, a first router, and a second router, (2) identifying where the routing controller requests the first router to provide address conversion information in response to the routing controller receiving a trigger; (3) identifying where the routing controller acquires address conversion information from the first router; and (4) identifying where the routing controller requests creation of first address conversion information and second address conversion information. Appellants submit that this exercise will demonstrate that these limitations are not taught or suggested by <u>Tirosh</u> or by <u>Kimchi</u>.

Accordingly, Applicant respectfully requests that the rejection of Claim 8 under 35 U.S.C. § 112, second paragraph and Claims 8, 14, and 16 under 35 U.S.C. § 103(a) be reversed.

Based on the clear legal deficiencies in the above noted rejections, Applicants respectfully request that the rejections of Claims 8, 14, and 16 be withdrawn and that the claims be allowed.

Respectfully submitted,

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